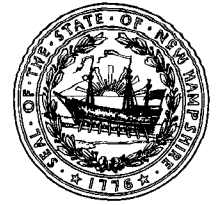




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
SP 06-006**

May 19, 2006

George & Cheryl Quimby  
248 Court St  
Keene, NH 03431

RE: DES Wetlands File #2006-00191 Barden Hill Rd, Hillsborough

Dear Mr. and Mrs. Quimby:

On March 2, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Hillsborough Tax Map 21 as Lot 8 (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411 and RSA 482-A and NH Code of Admin. Rules Wt 100-800.

Based on the inspection and further file review the following deficiencies were documented:

1. A wharf measuring approximately 20 feet along the shoreline and extending to 20 feet lakeward in the middle, with an arched front, supported by (4) 8"x8" posts and (4) 6"x6" posts on concrete pads was constructed in and over the lake and in the bank of Franklin Pierce Lake. On the north side of the wharf was a set of (6) steps accessing the waterbody, approximately 4 feet 10 inches wide, resting on a concrete pad approximately 5 foot 6 inch wide situated on the lake bed. On the opposite, southern end of the wharf was an 8 foot by 6 foot deck extension over the waterbody supported by (2) 6"x6" posts on concrete pads in the lake. The DES Wetlands Bureau has no record of a permit issued for the construction of the wharf, stairs or deck extension on Franklin Pierce Lake.
2. The wharf is accessed by a set of (4) steps leading from a landing measuring approximately 13 feet long by 7 feet deep attached to an irregularly shaped octagon deck measuring approximately 27 feet 6 inches long by 12 feet deep located approximately 23 feet from the reference line. The deck supports an enclosed, irregularly shaped octagon gazebo measuring approximately 10 feet by 10 feet. The landing, deck and gazebo are accessory structures which exceed the allowable limits in accordance with RSA 483-B:4(II) and Administrative Rule Env-Ws 1405.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a plan to DES for review and approval for complete removal of the wharf with attached stairs and deck extension, to include all support posts and concrete pads from the lake, lake bed and banks.
2. Within 30 days of receipt of this Letter of Deficiency, submit a plan to DES for review and approval for the removal of the landing, deck and gazebo to a point at least 20 feet landward of the reference line, as measured on the horizontal plane.
3. Submit the following with the plans:
  - a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions, with the reference line; and
    2. Proposed conditions after removal and relocation the noted structures;
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
4. Implement the restoration plan only after receiving written approval and as conditioned by DES.
5. Please be advised two 10 feet by 4 feet seasonal dock sections and one seasonal water craft lift was documented on the wharf. DES has no record of permits issued for the installation of these seasonal docking structures. Therefore, prior to installing these structures in the lake submit a completed application to the NHDES Wetlands Bureau requesting an approved permit. Be advised these seasonal structures can not be installed until an approved Wetlands Bureau permit has been issued.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have

come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876 or by email at [jblecharczyk@des.state.nh.us](mailto:jblecharczyk@des.state.nh.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, bold, black "COPY" stamp.

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7006 0100 0005 8153 6198

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Hillsborough Conservation Commission  
Hillsborough Board of Selectmen  
USACOE